



**TOWN OF HARPSWELL  
PLANNING BOARD MINUTES  
MAY 16, 2007**  
Approved June 20, 2007

**MEMBERS PRESENT**

John Papacosma, Chairman  
Dorothy Carrier, Vice Chairman  
Joanne Rogers  
Kenneth Cichon

**MEMBERS ABSENT**

Robin Brooks

**STAFF PRESENT**

Jay Chace, Planner  
Marsha Hinton, Recording Secretary

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The Town of Harpswell Planning Board meeting being duly advertised in the Times Record was called to order at 6:30 p.m. by Mr. Papacosma, Chairman.

Mr. Papacosma, Chair, read the agenda and explained the hearing process and procedures for Planning Board meetings.

**Minutes of April 18, 2007**

Ms. Rogers moved, seconded by Ms. Carrier to accept the minutes of April 18, 2007 as printed. Unanimous Approval

**OLD BUSINESS**

**ITEM 1**

**06-11-01** Martin Eisenstein and Gunilla M. Qvarfordt, Reconstruction of Non-Conforming Structure, Shoreland Residential District, Tax Map 24-222, 26 Cedar Beach Road, Bailey Island.

Mr. Eisenstein introduced Mr. Coombs, Surveyor, and described the process undertaken to amend the floodplain map and the map of the survey performed by MidCoast Survey Co. Mr. Chace described the new survey and the setbacks shown on that survey. Mr. Eisenstein describe the proposal to move the house away from the ocean to accommodate the proposed septic system, the location of the proposed septic system, local, state, and federal approvals, the foundation, erosion control plan, setbacks, and the flood map amendment.

Mr. Papacosma opened the floor to members of the public who wished to comment.

Ms. Emerson, abutter, asked about the setbacks, whether the applicant was putting in a full basement or a foundation, elevations for the septic location, general site elevations, and the septic design.

Ms. Brown, abutter, said she is in support of the applicant adding that the septic system will be an improvement.

Ms. Hayes, abutter, stated that she also was in support of this application even though it may change the view somewhat for her and her husband.

Mr. Eisenstein stated he was not increasing the sideline setbacks, stated that the foundation would provide for location of the hot water heater, that he did not wish to have a mound between the house and the water, and that they have not purchased the system but they will be using the application submitted for this review.

Mr. Chace informed the Planning Board that they would have to review the application under Shoreland Zoning Ordinance §10.3.2 and that there was no expansion proposed for the structure at this time.

The Planning Board discussed criteria of Shoreland Zoning Ordinance § 10.3.2 setbacks, the foundation, elevations, the proposed location of the house, size of the lot, slope of the land, potential for soil erosion, the location of other structures, and the new septic system location, and the amount of disturbed vegetation.

Mr. Papacosma stated that applicant meets the requirements of Shoreland Zoning Ordinance § 10.3.1.2 and § 10.3.2.

The Planning Board discussed the criteria of Basic Land Use Ordinance § 13.4.7.

Ms. Roger moved, seconded by Ms. Carrier, to find that the applicant meets the requirements of Shoreland Zoning Ordinance § 10.3.1.1 and § 10.3.2 and Basic Land Use Ordinance § 13.4.7 conditioned upon the applicant's submittal of a to scale survey showing the final location of the proposed structure as 17 feet back from the water and getting no closer to the southerly property line and no closer than 14 feet to the northerly property line. Unanimous Approval

Mr. Papacosma informed the members of the public present who are here for the Elaine Salch and George Every application that the applicants have withdrawn the application.

## **ITEM 2**

**07-02-01** Harpswell Boat Repair Associates, Site Plan Review – Wharf Approval, Commercial Fishing District, Tax Map 11-115, 14 Whidden Road, Harpswell.

Mr. Jim Costello stated that he has been working with the Town Planner to develop a parking design to address the concerns of the Planning Board.

Mr. Chace distributed a new site plan showing the proposed parking plan, pointing out the redesigned retaining wall that will meet the ordinance requirements.

Mr. Papacosma opened the floor to members of the public who wished to comment on this agenda item. None being seen, Mr. Papacosma closed the public portion of the meeting.

The Planning Board discussed the expansion of the building, the foundation, the site visits, comments from Town Staff, documentation provided by the applicant, the proposed parking design, the location of the holding tank, vegetation, Shoreland Zoning Ordinance § 10.3.1, § 10.3.2, and § 15.3, Site Plan Review § 15, the design of the existing subsurface wastewater disposal system, Basic Land Use Ordinance § 13.4.7, potential for relocation of the structure, slope of the land, buffering, and setbacks.

Mr. Cichon moved, seconded by Ms. Carrier to find that the application meets the requirements of Shoreland Zoning Ordinance § 10.3.1.1 and §10.3.1.2 with the condition that a plan be submitted showing the relocation of the structure such that it is parallel to the parking lot and retaining wall by pivoting on the southwesterly corner of the existing structure to maintain 8 to 10 feet from the retaining wall. Unanimous Approval

Mr. Cichon moved, seconded by Ms. Carrier that the applicant meets the requirements of Site Plan Review Ordinance §15.1 through § 15.21 inclusive.

Ms. Rogers moved, seconded by Mr. Papacosma to amend the motion to include an addition under Site Plan Review Ordinance §15.12 Subsurface Wastewater Disposal that paperwork be submitted to the Code Enforcement Office that the subsurface wastewater disposal system complies with the total number of employees and that the principal activity of boat sales is not a permitted use in accordance with this

application. However, boats which are being serviced from the on-site repair shop may be shown to prospective buyers only for the duration of time that such boat is under repair or being re-fabricated. Explicit in this condition is that there shall be no conduct or advertisement of a boat brokerage firm or activity on site. Any further brokerage activity that is anything but incidental to the boat repair activity shall be subject to further Town of Harpswell review and/or permitting. Unanimous Approval

Mr. Cichon moved, seconded by Ms. Carrier that the applicant meets the requirements of Site Plan Review Ordinance §15.1 through § 15.21 as amended with the conditioned upon that under Site Plan Review Ordinance §15.12 Subsurface Wastewater Disposal that paperwork be submitted to the Code Enforcement Office for approval a subsurface wastewater disposal system will be adequate for the number of employees. Also the principal activity of boat sales is not a permitted use in accordance with this application. Boats which are being serviced from the on-site repair shop may be shown to prospective buyers only for the duration of time that such boat is under repair or re-fabrication. Explicit in this condition is there shall be no conduct or advertisement of a boat brokerage firm or brokerage activity on site. Any further brokerage activity that is anything but incidental to the boat repair activity shall be subject to further Town of Harpswell review and/or permitting. Unanimous Approval

Mr. Papacosma moved, seconded by Ms. Carrier that the applicant has met the requirements of Basic Land Use Ordinance § 13.4.7. Unanimous Approval

Mr. Papacosma moved, seconded by Ms. Rogers that the applicant has met the requirements of Shoreland Zoning Ordinance § 15.3. Unanimous Approval

Ms. Rogers moved, seconded by Ms. Carrier except as otherwise provided in Section 16.4 of the Site Plan Review Ordinance, as may be amended from time to time, the property shown on the plan to be resubmitted and documented by the Chair of the Planning Board may be developed and used only as depicted on this plan and accompanying documents as received as of March 14, 2007. All elements and features of the plan and all representations made by the applicant in the record of the Planning Board proceedings are conditions of the approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board. Unanimous Approval

## **NEW BUSINESS**

### **ITEM 1**

**07-05-01** Charles W. Johnson IV, Site Plan Review, Interior District, Tax Map 13-57, 25 Edgewater Road, Harpswell.

Mr. Charles Johnson described the proposal to build a boat storage facility and workshop.

Mr. Chace pointed out that this lot was in the interior and therefore the Planning Board would need to go through § 15 of the Site Plan Review Ordinance. Mr. Chace passed out documentation with regard to a proposal to add more land to the property.

Mr. Papacosma opened the floor to members of the public who wished to comment on this agenda item. None being seen Mr. Papacosma closed the public portion of the meeting.

The Planning Board discussed the proposed land addition and the method of waste oil storage. The Planning Board recommend that the applicant supply a surveyed site plan showing an accurate depiction of the proposal which identifies wetlands, lot coverage, setbacks, drainage, lighting, location of dumpster, vegetation, parking

design, traffic circulation, the property lines, parking entrance size, and setback from the road for the parking area. Mr. Cichon suggested that the lines be staked to determine accurate setbacks, shielded lighting, and surface drainage patterns being factored into the building placement.

Ms. Rogers moved, seconded by Ms. Carrier to table the Site Plan Review application of Charles W. Johnson IV until such information as the Planning Board has requested is received. Unanimous Approval

## **ITEM 2**

**07-05-02** Paul and Guylaine Fillion, Approval of Land Use in the Shoreland Zone/Resource Protection District, Tax Map 53-71, 12 Wallace Shore Road, Harpswell.

Mr. Paul Fillion described the plan to move the location of the road away from the existing cottage highlighting that the road is currently in the 75 foot setback from the high-water line as well as the resource protection zone.

Mr. Chace stated that the review for roads falls under Planning Board authority and the Board must consider whether the proposal will have any adverse impact on the resource and that it is in a reasonable location. Mr. Chace pointed out the upper left hand corner of the survey where the proposed road will cross an abutter's property.

The Planning Board discussed the proposal, the turn around, the site visit, making it conforming to the setback from the shore, documentation to provide for an access easement where the road crosses an abutter's property, width of the road, and the improvement to the building envelop.

Sharen Bowdin, abutter, asked how the access easement would impact the property owners who must use that road. Ms. Bowdin added that it is her desire that the road be less than the required 12 feet in width to maintain the look it has now.

Mr. Cichon moved, seconded by Ms. Rogers that upon review of the application of Paul & Guylaine Fillion received April 25, 2007 along with the supporting documents that the Board finds that the proposed site for the relocation of Wallace Shore Road Extension in the Resource Protection Zone on the property identified as Tax Map 53-71 is approved with the following conditions; 1) prior to the commencement of work the applicant must provide the Code Enforcement Office and Planning Office with an erosion control plan that is compliant with the Town's Ordinances; 2) prior to the commencement of work the applicant must provide the Code Enforcement Office and the Planning Office a specific road design and standards that will be used during construction, the Board will allow a reduction of the width of road to ten feet; 3) the property shown on the application may be developed and used only as depicted in the documents submitted as part of the April 2007 application all elements and features of the plan and all representations made by the applicant in the record of the Planning Board proceedings are conditions of approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board. This provision does not prohibit minor field changes during construction made with the approval of the Code Enforcement Officer and the Town Planner; and 4) prior to commencement the applicant will provide to the Town Planner an easement across the property of the abutter to the west now or formerly Joan Caron in favor of all down stream properties on Wallace Shore Road Extension. Unanimous Approval

## **ITEM 3**

**07-05-03** Elaine Salch and George Every (Michael Hamilton – owner), Site Plan Review, Interior District, Tax Map 6-64, 587 Harpswell Neck, Harpswell.

Mr. Chace stated that the application has been withdrawn at the applicant's request.

## **OTHER BOARD BUSINESS**

### **Election of Officials**

Mr. Chace read Article 3 § 4 of the Planning Board By-laws regarding elections of officers.

Ms. Rogers nominated, seconded by Mr. Cichon, Ms. Carrier for the position of Planning Board Chair. Unanimous Approval Mr. Cichon moved, seconded by Mr. Papacosma to close the nominations. Unanimous Approval Board Vote on election of Planning Board Chair. Three in favor of Ms. Carrier (Mr. Cichon, Mr. Papacosma, Ms. Rogers) One abstained (Ms. Carrier)

Mr. Cichon nominated, seconded by Mr. Carrier, Ms. Rogers for the position of Planning Board Vice Chair. Unanimous Approval Mr. Papacosma moved, seconded by Ms. Carrier to close the nominations. Unanimous Approval Board Vote on election of Planning Board Vice Chair. Three in favor of Ms. Rogers (Mr. Cichon, Ms. Carrier, Mr. Papacosma) One abstained (Ms. Rogers)

Ms. Rogers nominated, seconded by Ms. Carrier, Mr. Brooks for the position of Planning Board Secretary. Unanimous Approval Mr. Papacosma moved, seconded by Mr. Cichon to close nominations. Unanimous Approval Board vote on election of Planning Board Secretary. Unanimous in favor for Mr. Brooks.

### **Planners Updates**

Mr. Chace informed the Planning Board of the upcoming Open Space Workshops and Mitchell Field Workshop.

Ms. Rogers moved, seconded by Mr. Cichon to adjourn. Unanimous Approval

Meeting adjourned at 9:30 p.m.

Respectfully Submitted,

Marsha M. Hinton  
Planning Assistant